Amendment No. 1 to HB2655

Armstrong
Signature of Sponsor

AMEND Senate Bill No. 2639 House Bill No. 2655*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 2, is amended by adding the following as a new section:

53-10-211.

(a) This section shall be known and may be cited as the “Tennessee Medication Therapy Monitoring and Management Act of 2010;"

(b) As used in this section:

(1) "Medication therapy monitoring and management program" means a formal process of administrative, clinical and educational actions to monitor a patient’s response to medication, including but not limited to the following:

(A) Monitoring serum levels of drugs requiring close titration of doses in order to ensure that there are sufficient levels in the blood to be therapeutically effective, while avoiding potentially toxic excess;

(B) Monitoring medications effect on a particular organ or organs;

(2) "Drug interchange" means the dispensing of one (1) manufacturer’s drug instead of a different manufacturer’s drug that has been determined by the U.S. Food and Drug Administration to be a generic equivalent of the prescribed drug for which the patient is currently receiving as therapy. This includes the substitution of a generic version for a brand version, a brand version for a generic version, and a generic

version of one manufacturer for a generic version of a different manufacturer.

(c) A prescriber may determine that a drug interchange is acceptable provided that the prescriber is notified of the interchange to allow appropriate medication therapy monitoring and management.

(d) The prescriber may request notification of an interchange from the pharmacist for a specifically identified patient and a specific drug as ordered on the prescription. Notification of interchange cannot be requested for a class of drugs. The prescriber shall, in the prescriber's own handwriting, write: "Notify of Interchange" or “NOI.” This notation or instruction shall be on all written and faxed prescriptions or must be entered in the comments section of any electronic prescription order. Prescriber notification will be in effect for only the time period that the prescription order (including all refills) is valid, and legal. Notification to the prescriber may be made verbally, by fax, or electronically. A notification that is clearly not transmitted successfully must subsequently be retransmitted no later than the next business day upon learning that the notification was not delivered in such manner that the pharmacist has a reasonable belief that the retransmission was received. The notification must be entered into the patient's chart.

(e) The pharmacist shall notify the patient or the patient’s representative at the time of dispensing, and shall notify the prescriber at the time of the dispensing, if available, but no later than the prescriber’s next business day after dispensing.

(f) This section shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor, or other person authorized to write prescriptions, writes or enters the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted

care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under title 33 or individuals incarcerated in a local, state or federal correctional facility.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.